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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
 UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

BMIM-0002-1

First named inventor: TELLER, David

Application No.: 09/964,679

Art Unit: 3653

Filed: September 28, 2001

Examiner: BUTLER, Michael E.

Title: Beverage Dispensing Control Sytem

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or Issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

01/2004 INVENT 00000002 100233 09964679

1. Petition fee

☒ Small entity-fee \$ 685.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
 the form of Response to Restriction Requirement (identify type of reply)

- ☒ has been filed previously on March 8, 2004
☐ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

October 12, 2004
Date


Signature

Telephone
Number: 703.591.2664

Ajay Jagtiani
Typed or printed name

10363-A Democracy Lane
Address

Enclosures: ☒ Fee Payment Fairfax, VA 22030
Address

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Addendum and Copy of Response to Restriction Requirement

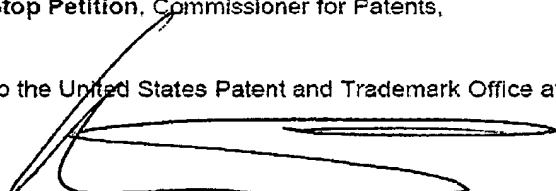
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

October 12, 2004
Date


Signature

Jay A. Jagtiani
Typed or printed name of person signing certificate

Application No.: 09/964,679 Attorney Docket Number: BMIM-0002-1

STATEMENT OF FACTS

A Restriction Requirement was mailed from the Patent Office on February 23, 2004, and received in Applicant's office on February 24, 2004. A timely response to the Restriction Requirement was filed with the Patent Office on March 8, 2004.

No communication or phone call was made by the Patent Office to confirm lack of response as is customary with office procedures.

A Notice of Abandonment was mailed from the Patent Office on October 6, 2004, and received in Applicant's office on October 10, 2004. The Notice of Abandonment is an error on the part of the Patent Office as evidenced by the enclosed copies of the Restriction Requirement Response as filed and the date stamped filing receipt card.

REQUEST FOR REMEDY

Applicant, therefore, hereby requests under 37 CFR § 1.137(b) (1) that U.S. Patent Application No. 09/964,679 be revived; (2) that the Office accept Applicant's Response to the Restriction Requirement that was timely filed on March 8, 2004, as seen by the attached copies and date stamped filing receipt copy; and (3) that the Office refund the fee Applicant has paid to file the Present Petition, because the filing of the Present Petition was necessitated by an error made by the Office.

The Commissioner is hereby authorized to charge the small entity-petition fee of \$685.00 set forth in 37 CFR § 1.17 (m) to **Deposit Account No. 10-0233-BMIM-0002-1**.

Application No.: 09/964,679 Attorney Docket Number: BMIM-0002-1

Please direct any inquiries in connection with this application directly to the undersigned.

Respectfully submitted,



Alay A. Jagtiani

Registration Number 35,205

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

October 12, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/964,679
Applicant : TELLER, DAVID
Filed : SEPTEMBER 28, 2001
Title : BEVERAGE DISPENSING CONTROL SYSTEM

Art Unit : 3653
Examiner : BUTLER, M.

Atty Docket No. : BMIM-0002-1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

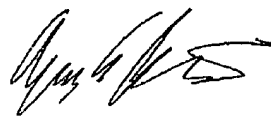
Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

☒ Response to Restriction Requirement

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-BMIM-0002-1**.

Respectfully submitted,



Ajay A. Jagtiani
Reg. No. 35,205

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March 8, 2004